REMARKS

Claims 1-11, 13-22 and 24-37 are pending in the application.

Claims 1-11, 13-22 and 24-37 have been rejected.

Claims 1, 13, 24 and 30 have been amended.

Formal Remarks

Applicants have amended the specification to specifically include reference to the Provisional Application number (60/270,444) of the previously incorporated by reference Provisional Application entitled "Method and Apparatus for Wavelength Concatenated Channel Framing." Applicants respectfully submit that such an amendment does not incorporate new matter. Applicants note that the full provisional application serial number and title can be found at least in the referenced priority application, Provisional Application Serial No. 60/295,645, entitled "Transport of High-Bandwidth Datastreams Over a Network." Further, the text of the original Application clearly expresses the intent to incorporate the provisional application entitled "Method and Apparatus for Wavelength Concatenated Channel Framing" by reference in its entirety, but failed to provide the serial number. *See, e.g.*, Application, pp.14, 17. For at least these reasons, Applicants respectfully submit that this amendment is supported by the original Application.

Rejection of Claims Under 35 U.S.C. §102

Claims 1-6, 9-11, 13-18, 20-22, 24-28, 30-34, 36 and 37 stand rejected under 35 U.S.C. §102(e) as purportedly being anticipated by U.S. Patent 6,625,161 issued to Su et al. ("Su"). Applicants respectfully traverse this rejection.

Independent Claims 1, 13, 24 and 30, as amended, include substantially at least the following claim limitations:

> decomposing an input datastream into a plurality of sub-streams, wherein
>> said decomposing comprises placing a portion of the input datastream into one of a plurality of queues,
>>
>> forming the portion of the input datastream using one or more payload data units (PDUs) each comprising a predetermined amount of data,
>>
>> forming each PDU by selecting the predetermined amount of data from the input datastream, and
>>
>> each queue of the plurality of queues corresponds to a corresponding channel of a plurality of channels.

See, e.g., Claim 1 (as amended). Applicants respectfully submit that Su fails to provide disclosure of one or more of these amended claim limitations and therefore cannot anticipate the independent claims under 35 U.S.C. § 102.

The amended claim limitations provide for "forming the portion of the input datastream using one or more payload data units each comprising a predetermined amount of data" and "forming each PDU by selecting the predetermined amount of data from the input datastream." Applicants respectfully submit that support for these claim limitations can be found at least in the provisional patent application entitled "Method and Apparatus for Wavelength Concatenated Channel Framing," which was incorporated by reference by the original Application on pages 14 and 17. *See also* "Formal Remarks," *supra.* The Appendix accompanying that provisional patent application describes the use and formation of PDUs. *See, e.g.,* Provisional Patent App. No. 60/270,444, Appendix pp.19-20.

Su fails to provide disclosure of these claim limitations because Su's "adaptive network device" discloses dividing an input packet data stream by "group[ing] the data

packets into one or more single units or traffic aggregates." Su 4:30-32. These "traffic aggregates" are packets with like attributes.

> In step 21, the process examines a continuous stream of packets departing from a network to identify a predetermined common criteria or attribute. In one embodiment, the predetermined common attribute is a destination address contained within the header of a packet. In another embodiment the predetermined common attribute is source and destination addresses contained within the header of a packet. In step 23, the process groups the continuous stream of packets (existing and future packets) into one or more traffic aggregates based on the identified predetermined common attribute of the packet. For example, existing and future packets containing the destination IP addresses of 193.23.33.6 are grouped into a first traffic aggregate and existing and future packets containing the destination IP addresses of 168.23.45.16 are grouped into a second traffic aggregate.
>
> In step 25, the process further assigns each traffic aggregate to a specific communication channel or link.

Su 4:52-5:2 (emphasis added); *see also* Su 5:46-50 (disclosing an assignment unit that assigns a key to packets based upon header information). Thus, Su discloses grouping packets together for assignment to communication channels based upon an identified predetermined common attribute of the packets gleaned from the packet header. Su discloses performing such packet aggregation to provide a mechanism for ensuring commonality of data attributes among the multiple disclosed output queues and to help ensure that input order of packets for packets having the predetermined common attributes is preserved during transmission. *See, e.g.,* Su 2:8-28; Su 9:39-42.

The amended claims relate to forming each PDU by selecting a predetermined amount of data from the input datastream, rather than examining a packet header. Such data selection is contrary to that disclosed in Su because Su requires examination of information in the datastream in order to fulfill Su's disclosed goals. The present invention places the PDUs in the output queues without regard to input datastream information in the PDU, but rather divides the input datastream into predetermined sized

pieces for insertion into the output queues. Further, Applicants respectfully submit that Su only discloses performing data aggregation from input packet data using information in packet headers, which therefore means that Su's input data must be in the form of packets. The present invention does not require the input datastream to be in the form of packets.
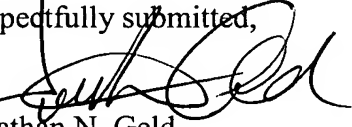
For at least these reasons, Applicants submit that independent Claims 1, 13, 24 and 30, as amended, and all claims depending therefrom are allowable over Su. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5090.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on January 15, 2007.

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Attorney for Applicant(s)   Date of Signature

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